

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION

UNITED STATES OF AMERICA, ) CASE NO.: 1:18MJ3159  
                                )  
Plaintiff,                 ) MAGISTRATE JUDGE  
                                ) THOMAS M. PARKER  
                                )  
v.                            )  
                                )  
NICHOLAS J. PARKER,      ) GOVERNMENT'S MOTION TO  
                                ) EXTEND TIME FOR RETURNING  
Defendant.                 ) INDICTMENT  
                                )

The United States of America, by and through its counsel, Justin E. Herdman, United States Attorney, and Daniel J. Riedl, Assistant U.S. Attorney, respectfully moves this Court to extend the time for filing an information or indictment until October 16, 2018.

Respectfully submitted,

JUSTIN E. HERDMAN  
United States Attorney

By: /s/ Daniel J. Riedl  
Daniel J. Riedl (OH: 0076798)  
Assistant United States Attorney  
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MEMORANDUM

A.

On June 16, 2018, a criminal complaint (Case No. 1:18 MJ 3159) was filed against defendant, Nicholas J. Powell, charging the defendant with a violation of federal law, that is Conspiracy to Distribute Controlled Substances, such as Xanax (alprazolam), marijuana, and steroids, and Money Laundering Conspiracy in violation of Title 21, United States Code, Section 846. Defendant was remanded to the custody of the U.S. Marshal's Service, and the matter was bound over to the grand jury. This is the first motion to extend the time to indict. The current deadline to file an indictment or information is on or before August 20, 2018.

B.

Title 18, Section 3161 of the United States Code provides that an "information or indictment charging an individual with the commission of an offense shall be filed within thirty days from the date on which such individual was arrested or served with a summons in connection with such charges." 18 U.S.C. § 3161(b). In the instant prosecution, the government is required to file an indictment or information on or before August 20, 2018.

The government submits that a limited extension of the time for filing an information or indictment will serve the ends of justice by affording the parties a meaningful opportunity to discuss a possible resolution of this case prior to indictment. It is anticipated that the parties will use the proposed extension of time to ascertain as many of the relevant facts as possible, which if accomplished, will serve the interests of justice by potentially rendering grand jury presentation and/or a trial more complete or unnecessary. See United States v. Fields, 39 F.3d 439, 445-46 (3d Cir. 1994) (approving "ends of justice" continuance to allow negotiations to continue). See also United States v. Lewis, 980 F.2d 555 (9th Cir. 1992). If grand jury presentment proves

necessary, the proposed extension of time will serve the ends of justice and promote efficiency by allowing the grand jury panel to consider a full panoply of potential charges and will allow for the streamlined presentation of evidence offered in support of those charges.

Undersigned government counsel has spoken with Brian M. Pierce, counsel for defendant, concerning this matter, and is advised that the defense has no objection to the proposed continuance. The defendant and Mr. Pierce have executed a Speedy Trial waiver which is attached for the court's consideration.

For all of the foregoing reasons, the government, pursuant to 18 U.S.C. § 3161(h)(7)(A), respectfully moves this Court to extend the time for filing an information or indictment from August 20, 2018, until October 18, 2018, and to enter a finding under that section that the ends of justice are served by taking such action, and that this continuance outweighs the best interest of the public and the defendant in a speedy trial.

Respectfully submitted,

JUSTIN E. HERDMAN  
United States Attorney

By: /s/ Daniel J. Riedl  
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CERTIFICATE OF SERVICE

I hereby certify that on this 14th day of August 2018, a copy of the foregoing document was filed electronically. Notice of this filing will be sent to all parties by operation of the Court's electronic filing system. All other parties will be served by regular U.S. Mail. Parties may access this filing through the Court's system.

/s/ Daniel J. Riedl

Daniel J. Riedl  
Assistant U.S. Attorney